

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN E. WILLIAMS, III,

Plaintiff,

v.

MICHAEL LIGHT et al.,

Defendants.

Case No. CIV-19-465-SLP

ORDER

Before the Court are several requests or motions filed by Plaintiff: (i) Plaintiff's Request for Court Order [Doc. No. 5], (ii) Plaintiff's Letter of June 3, 2019 [Doc. No. 6],¹ (iii) Plaintiff's Application for Leave to Proceed in Forma Pauperis [Doc. No. 8], and (iv) Plaintiff's Letter of June 28, 2019 [Doc. No. 13]. On June 11, 2019, U.S. Magistrate Judge Shon T. Erwin issued a Report and Recommendation ("R&R") in which he recommended that Plaintiff's IFP request [Doc. No. 8] be denied and that Plaintiff's associated filings [Doc. Nos. 5-6] be denied as moot. *See* R. & R., Doc. No. 9. Plaintiff filed an Objection to Judge Erwin's R&R [Doc. No. 11], which is now before the Court. The Court reviews de novo any portion of the R&R to which Plaintiff has made specific objection. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff objected to Judge Erwin's R&R only because of logistical difficulties he had encountered in paying the required filing fee out of accounts available to him through

¹ The Court has used the date that this letter was filed with the Court. It was dated as of both May 28, 2019 (upper corner) and as of May 23, 2019 (signature block) by Plaintiff.

his correctional facility. Subsequent to his objection, the Court received payment of the filing fee from the State of Oklahoma, so Plaintiff's arguments in objection to the R&R are moot. Further, upon de novo review, the Court fully concurs with the analysis set forth in the R&R.

Plaintiff also requests that any payment of the filing fee made by Ms. Annette Williams be returned to her. *See* Letter of June 28, 2019, Doc. No. 13. Such a return of payment was made previously because her payment was duplicative of the payment the Clerk of Court received from the State of Oklahoma. *See* Letter from A. Kalivoda to Annette Y. Williams (June 27, 2019), Doc. No. 12-1. Plaintiff's request in his letter [Doc. No. 13] is therefore moot.²

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 9] is ADOPTED and Plaintiff's Objection thereto [Doc. No. 11] is DENIED as MOOT. Plaintiff's request to proceed in forma pauperis [Doc. No. 8] is DENIED, and his associated filings [Doc. Nos. 5-6] are DENIED as MOOT. Plaintiff's request for a return of payment to Ms. Annette Williams [Doc. No. 13] is DENIED as MOOT.

IT IS FURTHER ORDERED that this case is re-referred to U.S. Magistrate Judge Shon T. Erwin for further proceedings.

² The Court reminds Plaintiff that, for future filings requesting that the Court act in a certain manner, Plaintiff must proceed via motion or another appropriate filing, not via letter. *Cf. Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (“[P]ro se parties [are required to] follow the same rules of procedure that govern other litigants.” (quotation marks and citation omitted)).

IT IS SO ORDERED this 16th day of July, 2019.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE